

REMARKS

Claims 1-51 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 8, 13, 14, 18, 19, 20, 23, 31, 45, 46, 50 and 51 have been amended as shown on pages 3-9 of the Reply. Claim 17 has been cancelled. In addition, the specification has been amended as indicated on page 2 of the Reply. The below comments present in greater detail distinctive features of applicants' claimed invention over the cited art that were conveyed to the Examiner over the telephone on December 7, 2007.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claim 1

Claim 1 is objected to because of the certain informalities. Withdrawal of this rejection is requested in view of the amendments herein to the subject claims.

II. Objection of Claim 17

Claim 17 is objected to because of the certain informalities. Withdrawal of this rejection is requested in view of the amendment to this claim.

III. Objection of Claims 1-7, 9, 10, 12, 17-21, 28, 31, 33-38, 40, 45 and 48-51

Claims 1-7, 9, 10, 12, 17-21, 28, 31, 33-38, 40, 45 and 48-51 are objected to because of the certain informalities. Withdrawal of this rejection is requested in view of the amendments herein.

IV. Objection of Claim 46 Under 37 CFR 1.75(c)

Claim 46 is objected to under 37 CFR 1.75(c) because of the certain informalities. Withdrawal of this rejection is requested in view of the amendment to this claim.

V. Rejection of Claims 18, 19, 23 and 51 Under 35 U.S.C §112

Claims 18, 19, 23 and 51 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of this rejection is requested in view of the amendments herein to the subject claims.

VI. Rejection of Claims 23 and 45 Under 35 U.S.C. §101

Claims 23 and 45 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Withdrawal of this rejection is requested in view of the amendments herein.

VII. Rejection of Claim 1

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent Application No. 10/856,978, U.S. Patent Application No. 11/621,363, and U.S. Patent 7,272,853. Withdrawal of this rejection is requested in view of the terminal disclaimer filed herewith.

VIII. Rejection of Claims 1-6, 8-14, 17-22, 31-34 and 36-51 Under 35 U.S.C. §102(e)

Claims 1-6, 8-14, 17-22, 31-34 and 36-51 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bandini *et al.* (US Publication 2002/0199095). Bandini *et al.* does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed subject matter relates to systems and methods that facilitate detecting spam messages in part by scanning messages using a filter trained on IP address or URL features and

another filter independently trained on text-related features and/or other features extractable from a message. In particular, independent claim 1 recites Bandini *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed subject matter.

Bandini *et al.* provides for system and method for filtering communication. An e-mail relay monitors incoming communication and compares attributes of the messages to data derived from SPAM messages, which is stored in a SPAM database. The e-mail relay restricts delivery of the message based on the comparison such as by restricting delivery of messages having attributes close to those of SPAM messages from the SPAM database.

At page 14 of Office Action, Examiner erroneously asserts that Bandini *et al.* teaches, *a third component that determines whether at least one IP address in the message is any one of external or internal to the recipient's system via a machine learning technique* with respect to dependent claim 17. The cited portion of reference (Bandini *et al.*) provides for an e-mail relay (item 46) which uses a SPAM database to filter e-mail messages received whether it is SPAM or not. The e-mail relay compares attributes of received e-mail messages to attributes of stored known SPAM messages. Hence, Bandini *et al.* provides for only an e-mail relay which uses a SPAM database to filter received e-mail messages whether it is a SPAM or not and nowhere contemplate determining whether *at least one IP address in the message is any one of external or internal to the recipient's system via a machine learning technique*. Through this feature, the claimed invention facilitates deciphering which is the last IP address external to the system, the identification of which is important to classify the message as spam or legitimate. To address either situation, various heuristics and/or algorithmic functions are employed to learn the worst scoring IP address as well as to optimize or maximize accuracy of training data.

At page 15 of the Office Action, the Examiner again erroneously asserts that Bandini *et al.* teaches, *the third component employs MX records to determine a true source of a message by way of tracing back through a received from list until an IP address is found that corresponds to a fully qualified domain which corresponds to an entry in the domain's MX record; and determines whether the IP address is external or internal by performing at least one of the following: concluding that the IP address is in a form characteristic to internal IP addresses; and performing at least one of an IP address lookup and a reverse IP address lookup to ascertain whether the IP address correlates with a sender's domain name*, with respect to dependent claim 18. The cited portion of the reference (Bandini *et al.*) provides for comparing

identity of an internet protocol (IP) address from which a SPAM message was received, to the IP address of incoming messages (Paragraph [0032]). The e-mail relay adds a special URL to incoming messages, which allows users to report the e-mail message as SPAM by selecting the URL (Paragraph [0036]). The e-mail relay determines whether the comparison score has already exceeded the threshold score. If the score has exceeded, then the comparison operation reports the message as SPAM. If the comparison is below the borderline threshold level, the message is reported as clean (Fig. 3, steps 70, 72 and 78). Thus, Bandini *et al.* provides for determining if a message is SPAM or not by using a comparison score exceeded the threshold score or not. However, Bandini *et al.* nowhere teaches or suggests determining a true source of a message *by way of tracing back through a received from list until an IP address is found that corresponds to a fully qualified domain which corresponds to an entry in the domain's MX record.* Through this feature, the claimed invention facilitates determining true source of a message as a spammer may add as many URLs as he wants to the message.

Accordingly, applicants' representative respectfully submits that Bandini *et al.* fails to teach or suggest all features of applicants' claimed subject matter as recited in independent claims 1, 6, 20, 31, 45 and 50 (and claims that depend there from). Accordingly, this rejection should be withdrawn.

XI. Rejection of Claims 15, 16, 23-30 Under 35 U.S.C. §103(a)

Claims 15, 16, 23-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandini *et al.* in view of Rothwell *et al.* (US Publication 2003/0088627). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Bandini *et al.* and Rothwell *et al.* either alone or in combination do not teach or suggest all aspects set forth in the subject claims. In particular, Rothwell *et al.* does not make up for the aforementioned deficiencies of Bandini *et al.* with respect to independent claims 6 and 20 (which claims 15, 16 and 23-30 depend from). Thus, applicants' invention as recited in the subject claims is not obvious over the combination of the cited art; and this rejection should be withdrawn.

XII. Rejection of Claims 7 and 35 Under 35 U.S.C. §103(a)

Claims 7 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandini *et al.* in view of Jungck (US Patent 7,003,555). It is respectfully requested that this

rejection be withdrawn for at least the following reasons. Bandini *et al.* and Jungck either alone or in combination do not teach or suggest all aspects set forth in the subject claims. In particular, Jungck does not make up for the aforementioned deficiencies of Bandini *et al.* with respect to independent claims 6 and 31 (which claims 7 and 35 depend from). Thus, the subject invention as recited in the claims 7 and 35 is not obvious over the combination of Bandini *et al.* and Jungck. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP596US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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